

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEMETRICE HERRON,

Plaintiff,

v.

KASEY HARRIS, *et al.*,

Defendants.

No. 4:23-CV-01996

(Chief Judge Brann)

ORDER

AND NOW, this 14th day of June 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 11) to dismiss under Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Plaintiff's Section 1983 Eighth Amendment medical indifference claim against defendant Wellpath, LLC is **DISMISSED** with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).
 - b. Defendants' motion is **DENIED** in all other respects.
2. The Clerk of Court is directed to terminate defendant Wellpath, LLC.
3. This case shall proceed on the following Section 1983 claim: Eighth Amendment deliberate indifference to serious medical needs against defendant Kacie Harris.

4. Defendant Harris shall respond to the single remaining claim identified in paragraph 3 above as required by Federal Rule of Civil Procedure 15.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge